

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0237-MLM-E **TCEQ ID:** RN105337802 **CASE NO.:** 35357  
**RESPONDENT NAME:** East TeXas MillworXs, Inc. dba Seal Moulding

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Seal Moulding, 4500 Gloria Allen Drive, College Station, Brazos County</p> <p><b>TYPE OF OPERATION:</b> Wood molding manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received December 18, 2007, alleging that the Respondent was burning scrap wood. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Jason Seal, President, East TeXas MillworXs, Inc., P.O. Box 10537, College Station, Texas 77842  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> December 18, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> January 9, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>AIR/WASTE</b></p> <p>Failed to prevent unauthorized outdoor burning. Specifically, the investigator documented that business waste, including scrap wood, had been burned on the property [30 TEX. ADMIN. CODE §§ 111.201 and 330.15 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$1,182</p> <p><b>Total Deferred:</b> \$236  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$946</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease all unauthorized burning;</p> <p>b. Within 30 days the effective date of this Agreed Order, remove all remains of the burn piles from the Plant and dispose of the waste at an authorized facility; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): N/A



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	28-Jan-2008	Screening	5-Feb-2008	EPA Due	
	PCW	12-Feb-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	East TeXas MillworXs, Inc. dba Seal Moulding		
Reg. Ent. Ref. No.	RN105337802		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	35357	No. of Violations	1
Docket No.	2008-0237-MLM-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Samuel Short
Multi-Media	Municipal Solid Waste	EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **5% Enhancement** **Subtotals 2, 3, & 7** \$50

Notes: Enhancement recommended for having one NOV for the same or similar violation within the last five years.

Culpability **No** **0% Enhancement** **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$132	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$144	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,050OTHER FACTORS AS JUSTICE MAY REQUIRE **13%** **Adjustment** \$132

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Upward adjustment needed to capture avoided costs.

**Final Penalty Amount** \$1,182STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,182DEFERRAL **20% Reduction** **Adjustment** -\$236

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$946

Screening Date 5-Feb-2008

Docket No. 2008-0237-MLM-E

PCW

Respondent East Texas Millwork, Inc. dba Seal Moulding

Policy Revision 2 (September 2002)

Case ID No. 35357

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105337802

Media [Statute] Air

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement recommended for having one NOV for the same or similar violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

Screening Date 5-Feb-2008

Docket No. 2008-0237-MLM-E

PCW

Respondent East Texas Millworks, Inc. dba Seal Moulding

Policy Revision 2 (September 2002)

Case ID No. 35357

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN105337802

Media [Statute] Air

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 111.201 and 330.15 and Tex. Health and Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized outdoor burning. Specifically, the investigator documented that business waste, including scrap wood, had been burned on the property.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$132

Violation Final Penalty Total \$1,182

This violation Final Assessed Penalty (adjusted for limits) \$1,182

**Economic Benefit Worksheet**

Respondent East Texas Millworks, Inc. dba Seal Moulding

Case ID No. 35357

Reg. Ent. Reference No. RN105337802

Media: Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$12	9-Jan-2008	13-Sep-2008	0.7	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to dispose of approximately 2 cubic yards of waste at a permitted municipal solid waste landfill.  
Date required is the date of investigation and the final date is the projected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$132	9-Jan-2008	9-Jan-2008	0.0	\$0	\$132	\$132
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost to dispose of approximately 22 cubic yards of waste at a permitted municipal solid waste landfill.

Approx. Cost of Compliance

\$144

TOTAL

\$132

## Compliance History

Customer/Respondent/Owner-Operator:	CN603244476	East TeXas MillworXs, Inc.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN105337802	SEAL MOULDING	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	4500 GLORIA ALLEN DR, COLLEGE STATION, TX, 77842		Rating Date: September 01 07	Repeat Violator:
TCEQ Region:	REGION 09 - WACO		NO	
Date Compliance History Prepared:	February 04, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 04, 2003 to February 04, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Samuel Short		Phone:	(512) 239-5363

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- |    |  |                 |          |
|----|--|-----------------|----------|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.                              |                 |          |
|    | N/A  |                 |          |
| B. | Any criminal convictions of the state of Texas and the federal government.   |                 |          |
|    | N/A  |                 |          |
| C. | Chronic excessive emissions events.  |                 |          |
|    | N/A  |                 |          |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.)  |                 |          |
|    | 1 11/09/2007 (600880)  |                 |          |
|    | N/A  |                 |          |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.)   |                 |          |
|    | Date: 09/19/2007 (595302)  |                 |          |
|    | Self Report? NO  | Classification: | Moderate |
|    | Citation: 30 TAC Chapter 101, SubChapter A 101.4<br>5C THC Chapter 382, SubChapter D 382.085(a)<br>5C THC Chapter 382, SubChapter D 382.085(b) |                 |          |
|    | Description: Failure to comply with 30 TAC Chapter 101, Rule 101.4.  |                 |          |
|    | Self Report? NO  | Classification: | Moderate |
|    | Citation: 30 TAC Chapter 111, SubChapter B 111.201<br>5C THC Chapter 382, SubChapter D 382.085(b)  |                 |          |
|    | Description: Failure to comply with the outdoor burning rule of the State of Texas.  |                 |          |
| F. | Environmental audits.  |                 |          |
|    | N/A  |                 |          |
| G. | Type of environmental management systems (EMSs).   |                 |          |
|    | N/A  |                 |          |
| H. | Voluntary on-site compliance assessment dates.   |                 |          |
|    | N/A  |                 |          |
| I. | Participation in a voluntary pollution reduction program.  |                 |          |
|    | N/A  |                 |          |
| J. | Early compliance.  |                 |          |
|    | N/A  |                 |          |
|    | Sites Outside of Texas   |                 |          |
|    | N/A  |                 |          |



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EAST TEXAS MILLWORXS, INC.  
DBA SEAL MOULDING  
RN105337802**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0237-MLM-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding East TeXas MillworXs, Inc. dba Seal Moulding ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wood molding manufacturing plant at 4500 Gloria Allen Drive in College Station, Brazos County, Texas (the "Plant").
2. The Plant involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 17, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

the first of these is the fact that the  
the second is the fact that the  
the third is the fact that the

the fourth is the fact that the  
the fifth is the fact that the

the sixth is the fact that the  
the seventh is the fact that the

the eighth is the fact that the  
the ninth is the fact that the

the tenth is the fact that the  
the eleventh is the fact that the

6. An administrative penalty in the amount of One Thousand One Hundred Eighty-Two Dollars (\$1,182) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Hundred Forty-Six Dollars (\$946) of the administrative penalty and Two Hundred Thirty-Six Dollars (\$236) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized outdoor burning, in violation of 30 TEX. ADMIN. CODE §§ 111.201 and 330.15 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 9, 2008. Specifically, the investigator documented that business waste, including scrap wood, had been burned on the property.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative



penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: East TeXas MillworXs, Inc. dba Seal Moulding, Docket No. 2008-0237-MLM-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease all unauthorized outdoor burning;
- b. Within 30 days the effective date of this Agreed Order, remove all remains of the burn piles from the Plant and dispose of the waste at an authorized facility; and
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.



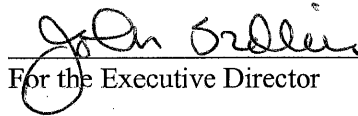
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

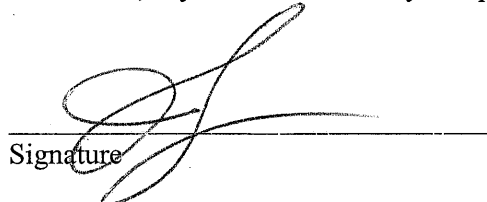
5/11/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3/19/08  
\_\_\_\_\_  
Date

Jason Seal  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
East TeXas MillworXs, Inc. dba Seal Moulding

President  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

